THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27254 OF 2005 (AND BATCH)

DATED:22.12.2005

Between:

M/s.APR Associates

Being rep. by its Partner A.Prabhakar Reddy

S/o.Shankar Reddy, R/o.Bachupally Village,

Qutbullapur Mandal, Ranga Reddy District

…Petitioner

And

Government of A.P.,

Rep. by the Principal Secretary,

Revenue Department, Secretariat Buildings,

Secretariat, Hyderabad, and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27254, 27257, 27259, 27260, 27261,

27263 and 27264 of 2005

COMMON ORDER:

As these Writ Petitions came to be filed in similar background and question raised therein is same, this common order shall dispose of all the Writ Petitions.

All the petitioners purchased lands in S.Nos.39, 39/C, 39/D, 40, and 40/A of Bachupally Village, Qutbullapur Mandal, Ranga Reddy District, for setting up information technology facilities or techno parks. The fourth respondent, having noticed that the petitioners purchased land ceiling surplus land which was assigned

to poor persons, initiated action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and issued a show cause notice to the petitioners. At that stage, the petitioners submitted explanation and also made a representation to regularize their possession agreeing to pay the market value. At that stage, the petitioners herein filed various Writ Petitions being W.P.No.23332 of 2005 and batch seeking a direction to the respondents to consider their representation for regularization. This Court disposed of the Writ Petitions directing the fourth respondent to consider the explanation submitted by the petitioners and dispose of the matter in accordance with law.

The fourth respondent after considering the explanation has now passed orders dt.15.12.2005, cancelling the assignment made in favour of original assignees and ordering resumption of the land, which was purchased by the petitioners in different transactions. Aggrieved by the same, all the petitioners filed separate appeals on 17.12.2005 and also prayed for stay of the operation of the orders passed by fourth respondent. As no orders are passed, apprehending that the fourth respondent may resume the land and demolish the structures allegedly constructed by the petitioners, present Writ Petitions are filed.

Though the learned counsel for the petitioners, Sri S.Tulasi Das, raised various contentions regarding applicability of the Act, mainly the learned counsel pressed into service the inaction on the part of the third respondent, appellate authority, in passing appropriate orders on the stay applications. He also made strenuous plea to stay the operation of the orders of the Mandal Revenue Officer, fourth respondent, and direct the third respondent to dispose of the appeals expeditiously. These submissions are refuted by the learned Assistant Government Pleader for Revenue (Assignment).

It is now well settled that when the remedy provided by the Statute is availed by an aggrieved person, ordinarily a Writ Petition would not lie, and it is improper for this Court to pass any orders which would amount to interfering with the exercise of discretion of the appellate authority (See **Bombay Metropolitan Region Development Authority v. Gotak Patel Volkart**). Therefore, this Court is not able to countenance the submissions insofar as the request for stay is concerned. However, there will not be much difficulty for the third respondent to immediately take up the applications for stay filed by the petitioners in their appeals and pass appropriate orders within a period of one week from today.

Therefore, there shall be a direction to third respondent to fix date of hearing, afford an opportunity of bearing heard to the petitioners and dispose of the appeals themselves within a period of four weeks from the date of receipt of a copy of this order. The third respondent may first consider the applications for stay and, subject to petitioners producing proof of construction of buildings and proof of possession, may pass appropriate orders within a period of one week.

The Writ Petitions with the above observations and directions is accordingly disposed of.

22.12.2005 (V.V.S.RAO, J)

Note:Operation portion of the order may be communicated

by WIRE at party's cost.

(B.O)

bnr